### THE WOODLANDS TOWNSHIP

#### **Board of Directors**

#### WORKSHOP MEETING

#### November 8, 2012

#### **MINUTES**

### THE STATE OF TEXAS

#### COUNTIES OF HARRIS & MONTGOMERY

The Board of Directors of The Woodlands Township met in regular session, open to the public, on November 8, 2012, posted to begin at 7:30 AM. The meeting was held in a meeting room at the office of The Woodlands Township, Board Chambers, 2801 Technology Forest Boulevard, The Woodlands, Texas, within the boundaries of The Woodlands Township.

Chairman:

Bruce Tough

President:

Don Norrell

Vice Chairman:

Peggy Hausman

Staff/Advisors:

Alan Benson

Kim Cogburn

Karen Dempsey

Taunya Jacques

Miles McKinney

Mike Page

John Powers

Daniel Ringold

**Monique Sharp** 

**Bret Strong** 

Susan Welbes

Renee Williford

Nick Wolda

## Treasurer: Gordy Bunch

Secretary: Ed Robb

## **Directors:**

Mike Bass Nelda Luce Blair

Jeff Long

### **STANDARD ITEMS:**

## 1. Pledge of Allegiance;

Chairman Tough led the Pledge of Allegiance to the United States flag and Texas State flag.

### 2. Call meeting to order;

Chairman Tough called the meeting to order at 7:38 a.m. and declared that notice of this meeting was posted 72 hours in advance at the Courthouse of Montgomery and Harris Counties and inside the boundaries of The Woodlands Township at the office building located at 2801 Technology Forest Boulevard, The Woodlands, Texas.

The roll was then called of the duly elected members of the Board with all members present. As there was a quorum of members present, the Board proceeded to conduct business regarding the following matters.

### 3. Receive, consider and act upon adoption of the meeting agenda;

Motion by: Nelda Luce Blair moved to adopt the agenda as presented.

Second by: Gordy Bunch

Motion passed unanimously (7-0).

Directors	YES	NO	ABSTAIN
Tough, Bruce (Chairman)	х		
Hausman, Peggy (Vice Chairman)	х		
Robb, Ed (Secretary)	х		
Bunch, Gordy (Treasurer)	х		
Bass, Mike (Director)	х		
Blair, Nelda Luce (Director)	х		
Long, Jeff (Director)	х		

## 4. Recognize public officials;

Chairman Tough recognized the following public officials:

<u>Deborah Sargeant-</u>Chair of the Development Standards Committee

<u>Brett Beaty-</u>former Woodlands Service Corporation and Woodlands Fire Department Director

<u>Claude Hunter-</u>former Director, The Woodlands Township

<u>Lloyd Matthews</u>-former Director, The Woodlands Township

### 5. Public comment;

The following individuals addressed the Board:

Claude Hunter-2 Townsend Place-commented on mobility issues

Charles Dixon-President, Rowing Club of The Woodlands (RCTW)-commented on Parati ground lease

Richard Pratt-yielded time to Mr. Dixon

Nathalia Dixon-Secretary, Rowing Club of The Woodlands-commented on Parati ground lease

Bill Beasley-10 Dappled Sun Place-commented on Parati ground lease

Robert <u>Duffy</u>-10 East Bay Boulevard-commented on Parati ground lease

Christine Montano-43 Hillock Woods-passed

Daniel Dalton-111 Wind Ridge Circle-commented on Parati ground lease

Charlie Fazzino-42 Leeward Cove-yielded time

Larry Austin-87 Midsummer Place-yielded time

Dee Hotop-56 Stone Creek Place-commented on RCTW

Anthony Montano-43 Hillock Woods-passed

Simon Eastwick-114 Wintergreen Trail-commented on Parati Rowing Club

Bob Kulpinski-96 East Stony End Place-commented on Parati Rowing Club

Tom Dalton-President, Parati Rowing Club-asked to provide comment after presentation of item #13

<u>Mike Flynn</u>-President, Property Association at Windward Cove-commented about economic inequality and the use of public areas for all income levels

Cyndi Glenncross-commented on Parati Rowing Club

#### **CONSENT AGENDA:**

## Receive, consider and act upon the Consent Agenda;

(This agenda consists of non-controversial or "housekeeping" items required by law. One motion with modifications, if applicable, approves for action, all items contained within the Consent Agenda. Items may be moved from the Consent Agenda to the Regular Agenda by any Board Member making such request prior to a motion and vote.)

## 6.a. Receive, consider and act upon a proclamation in support of the Houston Advanced Research Center (HARC);

Chairman Tough informed the Board that a proclamation in support of the Houston Advanced Research Center (HARC) will be read at the November 14, 2012 regular Board meeting. The Board will consider and act upon the proclamation under the Consent Agenda.

# 6.b. Receive, consider and act upon approval of the minutes of the October 18, 2012 Board Workshop and October 24, 2012 Regular Board Meeting for the Board of Directors of The Woodlands Township;

Chairman Tough asked the Board to review the minutes. There were no corrections to the minutes.

This item will be brought forward to the November 14, 2012 regular Board meeting for consideration and action under the Consent Agenda.

## 6.c. Receive, consider and act upon an amendment to the Board of Directors scheduled meeting dates for December 2012;

Karen Dempsey, Management Analyst for The Woodlands Township, presented background information on this item with a recommendation that the Board cancel the regularly scheduled Thursday, December 6, 2012 Workshop and Wednesday, December 12, 2012 Regular Board meeting and instead schedule a consolidated December Township Board of Directors meeting to be held on Thursday, December 6, 2012 at 10:00 a.m.

Board discussion followed with comments made concerning whether the meeting should be held in the evening versus the morning of December 6. It was the decision of the Board to remove this item from the Consent Agenda and place it on the Regular Agenda for the November 14, 2012 regular Board meeting for consideration and action.

## 6.d. Receive, consider and act upon a renewal of a Service Agreement with South Montgomery County Woodlands Chamber of Commerce Economic Development Partnership (EDP);

Nick Wolda, Director of Community Relations for The Woodlands Township, was called on to present this item. It was the decision of the Board to receive a report from Gil Staley, Chief Executive Officer with The Woodlands Area Economic Development Partnership (EDP), and then follow-up with questions related to the Service Agreement.

Board discussion followed. This item will be brought forward to the November 14, 2012 regular Board meeting for consideration and action under the Consent Agenda.

## 6.e. Receive, consider and act upon the conveyance of Restricted Reserve A out of the Village of Creekside Park Lake Paloma Reserves;

John Powers, Assistant General Manager of Community Services for The Woodlands Township, presented background information on this item with a recommendation that the Board accept conveyance by Special Warranty Deed from The Woodlands Development Company, L.P. for Restricted Reserve "A" out of The Woodlands, Village of Creekside Park Lake Paloma Reserves, also known as Lake Paloma Park.

Board discussion followed. This item will be brought forward to the November 14, 2012 regular Board meeting for consideration and action under the Consent Agenda.

## 6.f. Receive, consider and act upon appointments to the Booking & Blocking Committee of The Woodlands Township;

Nick Wolda presented background information on this item with a recommendation that the Board appoint Sheron Jones of Marriott to serve a one-year term through December 31, 2013 on the Booking and Blocking Committee.

Board discussion followed. This item will be brought forward to the November 14, 2012 regular Board meeting for consideration and action under the Consent Agenda.

## 6.g. Receive, consider and act upon award of bid for 2013 supply of swimming pool chemicals;

John Powers presented background information on this item with a recommendation that the Board award Poolsure the bid to supply swimming pool and fountain chemicals for 2013 in the amount of \$128,679.65.

Board discussion followed. This item will be brought forward to the November 14, 2012 regular Board meeting for consideration and action under the Consent Agenda.

## 6.h. Receive, consider and act upon award of bid for maintenance of all-weather turf;

John Powers presented background information on this item with a recommendation that the Board accept the proposal from Brickman Group, LTD for bi-weekly all-weather turf maintenance services and the proposal from MDH Turf, LLC for quarterly and as needed all-weather turf maintenance services, and authorize the President/General Manager to execute service agreements for periods of three years (2013-2015) with each company.

Board discussion followed. There was a concern raised about splitting the services for maintenance between two companies.

It was requested that this item be pulled from the Consent Agenda. This item will be brought forward to the November 14, 2012 regular Board meeting for consideration and action under the Regular Agenda.

#### 7. BRIEFINGS:

## 8. Receive and consider a report from the South County Woodlands Economic Development Partnership;

Gil Staley, Chief Executive Officer with The Woodlands Area Economic Development Partnership (EDP), presented The Woodlands Area EDP 2011/2012 Annual Report. Mr. Staley highlighted organizational accomplishments, business recruitment and business retention efforts used by the EDP.

Board discussion followed. This item was for information sharing only.

9. Receive and consider a presentation from The Goodman Corporation regarding the proposed intermodal transit terminal and parking garage to be located at Six Pines Drive and Lake Robbins Drive;

Miles McKinney, Manager of Intergovernmental Relations and Transportation Services for The Woodlands Township, provided an overview of this item. An intermodal transit terminal (Park N Ride) and parking garage are proposed to be located adjacent to the existing parking garage located on Six Pines Drive, adjacent to the Cynthia Woods Mitchell Pavilion and built on Township owned land.

Following Mr. McKinney's presentation, Bryan Brown with The Goodman Corporation (TGC) provided a briefing to the Board on the project. Mr. Brown commented that TGC had completed an update of an existing Preliminary Engineering/Environmental Assessment report for the transit terminal and parking garage that was jointly funded by Brazos Transit District, The Woodlands Land Development Company, Mr. George Mitchell and The Woodlands Township. A demand analysis was performed by TGC that showed a demand for 600 parking spaces. The study also included improvements to the surrounding streetscape around the terminal area as well as an extension of trolley circulator services in order to increase pedestrian connectivity.

Board discussion followed. This item was for information sharing only.

## 10. Receive and consider a presentation from the Development Standards Committee regarding administrative procedures;

Chairman Tough called on Brett Strong, legal counsel for The Development Standards Committee (DSC), to provide an overview of this item. Mr. Strong referred the Board to handout material related to the Operating Procedures of the DSC and then noted that this item came about as a result of trying to understand the relationship of the DSC and The Woodlands Township Board.

Following Mr. Strong's comments, Deborah Sargeant, Chair of the Development Standards, was called on to provide additional information. Ms. Sargeant informed the Board that the DSC will review and take under consideration any suggestions from the Board. The DSC will make the Operating Procedures available online and at all meetings and will review them annually (within 90 days of appointment of new DSC members).

Board discussion followed. This item was for information sharing only.

## 11. Receive and consider a report regarding potential additional services at the Riva Row Boat House;

Chairman Tough called on John Powers to present this item. Mr. Powers provided a report on additional services that could potentially be offered at the Riva Row Boat House. Potential additional services included bike rentals, paddleboats, Stand Up Paddleboards (SUP) and small sailboats. An analysis of the challenges and opportunities of providing each service was also discussed.

Board discussion followed. This item was for information sharing only.

### 12. REGULAR AGENDA:

## 13. Receive, consider and act upon a Ground Lease with Parati Competitive Rowing;

John Powers presented background information on this item. Mr. Powers informed the Board that the Rowing Club of The Woodlands (RCTW) and Parati Competitive Rowing Club had signed a Safe Use Agreement, as mandated by the Lake Woodlands Property Owners Association, to address safety concerns on the lake. The two clubs, however, were not able to come to an agreement to share the RCTW temporary boathouse facility at Northshore Park. Parati revised and resubmitted a proposal to the Township with additional options for boathouse locations. At this point, Mr. Powers called on Tom Dalton, President of Parati Competitive Rowing Club, to make a presentation to the Board.

Mr. Dalton gave a PowerPoint presentation and highlighted the Parati Rowing Club, its membership and the Club's community involvement in The Woodlands. Next, Mr. Dalton reviewed various boathouse request options, including a shared boathouse concept.

A question and answer period followed the presentations. After lengthy discussion, the Board agreed that it is not in the best interest of The Woodlands residents for the Township to grant exclusive use of public property. Some Board members expressed that they were not willing to spend public funds for a boathouse while other Board members shared that they would like to find a way to foster rowing in The Woodlands for everybody who would like to row. The Board also advised both rowing clubs to put aside their differences and try to work out an arrangement where they could jointly use the temporary facility at Northshore Park. The Board was in agreement that it did not want to engage in the dispute between the two rowing clubs.

This item will be brought forward to the November 14, 2012 regular Board meeting for consideration and action under the Regular Agenda.

## 14. Receive, consider and act upon a request to install American Flags at park entries;

John Powers presented background information on this item with a recommendation that the Board approve the Indian Springs Village Association's request to allow the Association to place American flags at the entrances to Falconwing Park and Forestgate Park on the holidays presented (Flag Day, the 4<sup>th</sup> of July, Labor Day, September 11<sup>th</sup>, Veterans' Day and Presidents' Day), provided the Association abides by the United States Code, Title 4--"The Flag Code."

Board discussion followed. This item will be brought forward to the November 14, 2012 regular Board meeting for consideration and action under the Regular Agenda.

# 15. Receive, consider and act upon a resolution in support of The Woodlands Road Utility District's application for the Texas Department of Transportation's Transportation Enhancement Program 2012 call-for –projects;

Miles McKinney provided background information on this item with a recommendation that the Board adopt a proposed Township resolution supporting The Woodlands Road Utility District's (WRUD) application to the Houston-Galveston Area Council (H-GAC) for Waterway shared use and pedestrian path extensions for pedestrian and bicycle use in accord with the Statewide Transportation Enhancement Program 2012 call-for-projects.

Board discussion followed. Bryan Brown, with TGC, was available to answer questions and provide clarification on matters regarding cost and reasons behind the advancement of this project.

This item will be brought forward to the November 14, 2012 regular Board meeting for consideration and action under the Regular Agenda.

## 16. Receive, consider and act upon an Interlocal Agreement with Brazos Transit District regarding continuation of transportation services;

Mike Page, legal counsel for The Woodlands Township, informed the Board that a document was not ready for the Board to review at this time. Mr. Page remarked that it was possible, but very unlikely that a document would be ready for the Board to review at its regular meeting on November 14, 2012. The Board was also informed that the document needed to be reviewed by Brazos prior to presentation to the Board.

Mr. Page then commented that several things need to be addressed in the document including the following:

- Clearly differentiate between and distinguish between projects and services;
- Clearly differentiate between post October 1, 2012 funding and pre October 1, 2012 funding;
- Differentiate between services that are now being rendered under contract and those services that are being rendered without a contract;
- Look toward a more comprehensive agreement and look at what happens when service contracts expire with respect to contracted and non contracted services; anticipate that the comprehensive agreement will be ready by April 30, 2013 since one of two service agreements expires in May 2013

Board discussion followed. This item will be brought forward to the November 14, 2012 regular Board meeting for consideration and action under the Regular Agenda.

## 17. Receive, consider and act upon a report from Partners for Strategic Action regarding the governance assessment report and communications plan for The Woodlands Township;

Curt Dunham, CEO of Partners for Strategic Action (PSA), provided background information on this item and then made a PowerPoint presentation on a Governance Strategy and Assessment Report. Mr. Dunham described the annual governance strategy as a "big picture" analysis of major issues that could occur during the course of a year that are not currently under the Township's control.

A four-level evaluation/decision model was developed by PSA to help the Township's staff determine a plan of action on big issues that might arise. The model is presented below:

- Level 1: Internal Procedures and BudgetingThis level would be used if the issue could be addressed through making adjustments in the
  Township's procedures, protocols or through allocation of additional resources
- Level 2: Contractual/Intergovernmental Agreements-

This level would be used if the issue could be addressed through contract adjustments with current service provider, a new service provider, or by providing a new service through an identified service provider.

## • Level 3: Legislative Initiatives-

This level would be used if the issue could be addressed through the expansion of the Township's abilities through successful pursuit of legislative changes.

## Level 4: Governance Change-

This level would be used if all other avenues have been determined inadequate to address the issue to provide more local control. At this level, the governance process would be reopened and incorporation or adopting an alternative form of local governance would need to be discussed.

Mr. Dunham also reviewed a proposed public and stakeholder engagement plan with the Board. In November 2012 the Township's website will be updated and in January 2013 an article will be placed in *The Woodlands Community Magazine*. Also, letters will be sent to stakeholders who participated in the governance process regarding the governance decision.

Board discussion followed the presentations. It was the decision of the Board to remove this item from the Regular Agenda. This item will be brought forward to the November 14, 2012 regular meeting for consideration and action under the Consent Agenda.

## 18. Receive, consider and act upon changes to property and liability insurance coverage;

This item was deferred to next week's meeting on November 14, 2012 and will be placed on the Regular Agenda for Board consideration and action.

## 19. Receive, consider and act upon 7k exemption to the Fair Labor Standards Act for firefighters of The Woodlands Fire Department;

Fire Chief Alan Benson provided background information on this item with a recommendation that the Board approve the adoption of the changes in pay methods as presented for all firefighter employees effective January 1, 2013.

Board discussion followed. This item will be brought forward to the November 14, 2012 regular meeting for consideration and action under the Regular Agenda.

## 20. Receive, consider and act upon award of contract to study capital reserves;

Monique Sharp informed the Board that Requests for Proposals were sent to three companies to conduct a capital reserve study for The Woodlands Township. All three companies subsequently declined to submit proposals for various reasons.

Ms. Sharp shared with the Board that after further research, staff was able to identify other companies that could perform a capital reserve study for the Township. Criterium-Farrell Engineers, which is located in Spring, Texas has a division that specializes in reserve studies and has expressed an interest in

providing a quote. Ms. Sharp then informed the Board that a quote from Criterium-Farrell was not available for review at tonight's meeting, but that their quote would be available at the November 14, 2012 regular Board meeting.

Board discussion followed. This item will be brought forward to the November 14, 2012 regular Board meeting for consideration and action under the Regular Agenda.

## 21. Receive, consider and act upon replacement of a nature trail bridge in Grogan's Mill;

John Powers provided background information on this item with a recommendation that the Board approve replacing the Grogan's Mill Nature Trail bridge with the wood type construction depicted in Option "A"; utilize insurance proceeds and positive variances from completed 2012 Parks Capital projects to fund the project; and provide the President/General Manager all authority necessary to execute the project.

Board discussion followed. This item will be brought forward to the November 14, 2012 regular Board for further consideration and action under the Regular Agenda.

## 22. Receive, consider and act upon the proposed jogging track at Bear Branch Sports Fields;

John Powers provided background information on this item with a recommendation that the Board award MoBill Contractors, Inc. the bid to construct the Bear Branch Sportsfields Decomposed Granite Jogging Track-Pathway in the amount of \$164,900 and authorize the President/General Manager to execute a construction agreement in connection therewith.

Board discussion followed. This item will be brought forward to the November 14, 2012 regular Board meeting for further consideration and action under the Regular Agenda.

## 23. Receive, consider and act upon a schedule of meeting dates for The Woodlands Township Board of Directors for calendar year 2013;

Chairman Tough informed the Board that this item will be brought forward to the November 14, 2012 regular Board meeting for further consideration and action under the Regular Agenda.

## 24. Receive, consider and act upon proposed amendments to Park Order 019-09 (this item will be acted upon at the November 14, 2012 Board of Directors Meeting following a public hearing);

Chairman Tough informed the Board that action on this item will be taken at the November 14, 2012 Board of Directors meeting following a Public Hearing.

#### **CLOSED MEETING (if applicable):**

25. Recess at 11:33 a.m. to Executive Session to discuss matters relating to real property pursuant to §551.072, Texas Government Code; deliberation of economic development negotiations pursuant to §551.087, Texas Government Code; discuss personnel matters pursuant to §551.074, Texas Government Code; and to consult with The Woodlands Township's attorney pursuant to §551.071, Texas Government Code;

### 26. Reconvene in Public Session at 12:02 p.m.;

Chairman Tough informed the Board that there was no need to take action at this time on matters discussed in Executive Session.

#### 27. ADMINISTRATIVE REPORTS:

There were no administrative reports for items 28-31.

- 28. Community Policing;
- 29. Community Services;
- 30. The Woodlands Convention & Visitors Bureau (CVB);
- 31. The Woodlands Fire Department;

#### **DISCUSS FUTURE AGENDA / ANNOUNCEMENTS:**

## 32. Consideration of items to be placed on the agenda for next month's meeting;

Director Bass requested that Agenda Item #21, regarding replacement of a nature trail bridge in Grogan's Mill (Option "A"), be moved to the Consent Agenda at the November 14, 2012 regular Board meeting. There was no objection to this request.

### 33. Board announcements;

Chairman Tough reminded the Board that the Board Planning Retreat would take place in Waterway Room #8 following this meeting.

### 34. Public comment, and;

There was no Public Comment.

### 35. Adjournment

Motion by: Nelda Luce Blair moved to adjourn the meeting at 12:06 p.m.

Second by: Peggy Hausman

Motion passed unanimously (7-0).

Directors	YES	NO	ABSTAIN
Tough, Bruce (Chairman)	х		
Hausman, Peggy (Vice Chairman)	х		
Robb, Ed (Secretary)	x		
Bunch, Gordy (Treasurer)	x		
Bass, Mike (Director)	х		
Blair, Nelda Luce (Director)	x		
Long, Jeff (Director)	x		



**Ed Robb** 

Secretary, Board of Directors